

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY D. ALTMAN,)
)
Plaintiff,) Case No. 1:07-cv-1251
)
v.) Honorable Gordon J. Quist
)
KENNETH McKEE et al,)
)
Defendants.) _____
)

ORDER FOR PARTIAL SERVICE

In accordance with the Opinion filed this date:

IT IS ORDERED that Plaintiff's claims under the Eighth Amendment and the Americans with Disabilities Act are DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that in accordance with Administrative Order No. 03-029, the Clerk shall return to Plaintiff with a copy of this order one copy of the complaint and any exhibits.

IT IS FURTHER ORDERED that immediately upon receipt of this order, Plaintiff shall request that the prison make three (3) copies of the complaint and exhibits for service upon Defendants Kenneth McKee, (unknown) Johnson and Robbin Bell.

IT IS FURTHER ORDERED that within fifteen business days of this order, Plaintiff shall file with the Court the requisite number of copies of the complaint and exhibits along with a

copy of this order OR an affidavit explaining why Plaintiff is unable to provide the requested copies within the fifteen-day period. Should the Court find that the prison failed to make copies upon Plaintiff's request, the Court will direct the Clerk to make such copies as may be necessary and to charge the Michigan Department of Corrections for the cost of copying at the Court's usual rate of \$.50 per page.

IT IS FURTHER ORDERED that Plaintiff's failure to submit the requested copies within the time provided by the Court OR an affidavit explaining why Plaintiff is unable to provide the requested copies within the fifteen-day period may result in the dismissal of his action without prejudice by the district judge.

IT IS FURTHER ORDERED that upon receipt of the copies required by this order, the Clerk shall issue summons and return them to the Plaintiff. Because Plaintiff is not proceeding *in forma pauperis* in this action, he is responsible for service of summons and complaint upon Defendants. See FED. R. CIV. P. 4.

IT IS FURTHER ORDERED Defendants shall reply to Plaintiff's claims of retaliation by way of answer, motion to dismiss, or motion for summary judgment within the time allowed by law. *See* 42 U.S.C. § 1997e(g)(1).

Dated: February 22, 2008

/s/ Gordon J. Quist

Gordon J. Quist
United States District Judge